

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 31, 1997
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:13 p.m. Deputy Mayor Warden adjourned the meeting at 3:50 p.m. to Closed Session on Tuesday, April 1, 1997, at 9:00 a.m. in the twelfth floor conference room to discuss existing litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (ms)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present

- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Shannon Pappas of the Pacific Beach Presbyterian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the Public Facilities Financing Agency and the stadium expansion. Control at what price.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-088.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by Gary Ricalde regarding problems he has had with the Police Department for the past year and a half. He had fourteen complaints against the Northern Division of the Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-111.)

ITEM-PC-3:

Comment by James Hartman that cities do not belong in the sports business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A112-141.)

ITEM-PC-4: REFERRED TO CITY MANAGER

Comment by Wayne Brubaker regarding the new Stadium Authority policy of awarding the used car sales events to be held in the stadium parking lot.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A142-178.)

ITEM-PC-5:

Comment by William Bradshaw regarding an article in the Sunset Magazine on San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A179-203.)

ITEM-PC-6:

Comment by Maria Candeli regarding problems with construction and zoning of the property adjacent to hers.

FILE LOCATION: AGENDA

COUNCIL ACTION: Tape location: A205-257.)

ITEM-PC-7:

Comment by Sky regarding persecution in our society and

false values.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A263-289.)

ITEM-PC-8: REFERRED TO CITY MANAGER

Comment by Adrian Marine that not enough time is given on public noticing to accomplish anything. He thinks at least 30 days should be given from the post marked date until the action must be taken. He also requested that property owners be given two free passes to the dump.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A301-332.)

ITEM-PC-9:

Comment by Robert Hoffman that certain street lights do not allow adequate time for people to cross the street.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A358-398.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Wear said that last week San Diego played host to the 1997 California and World Ocean Conference to talk about strategies to improve our coastline.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A407-420.)

ITEM-CC-2:

Council Member Stevens thanked the Council Members and everyone else who cheered him up with their visits,

calls, cards and gifts. He said he is very happy to be back to work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A420-440.)

ITEM-CC-3:

Mayor Golding said there was an article in the paper that was not totally clear. She notified the Chinese Navy several months ago that she had already made arrangements for a trip with her daughter and would not be in town when they arrived. Deputy Mayor Warden had another meeting scheduled and was not available either. However, City Manager McGrory was there to greet and welcome the Chinese Navy.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A441-488.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

03/03/97 Adjourned
03/04/97
03/04/97 Special Joint Meeting
03/10/97 Adjourned
03/11/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO APPROVE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Municipal Code Amendments to Implement Retirement
System Proposal.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/17/97. (Council voted 8-0. Councilmember Stevens not present):

(O-97-88 Rev.1) ADOPTED AS ORDINANCE O-18392 (New Series)

Amending Chapter II, Article 4, of the San Diego Municipal Code, relating to Retirement Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Rezoning for the Torrey Hills Project.

(Sorrento Hills Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/17/97. (Council voted 8-0. Councilmember Stevens not present.)

(O-97-80) ADOPTED AS ORDINANCE O-18393 (New Series)

Rezoning 491.4 acres located east of I-5, north and south of Carmel Mountain Road and north of Los Penasquitos Canyon Creek, into the A-1-10, M-1A, M-IP, R-1500, R-3000, R1-5000, OS-P, OS-OSP, CA and Hillside Review Overlay Zone.

FILE LOCATION: ZONE-ORD# O-18393

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-52: There is no Item 52 on today's docket.

* ITEM-53:

SUBJECT: Amending the Business Code Tax - Alternative
Calculation of Full-Time Employees.

(See City Manager Report CMR-96-198; Committee
Consultant Analysis PS&NS-96-6; Ernie Anderson's
8/22/96 memorandum; Councilmember Kehoe's 8/6/96
memorandum; Councilmember Mathis's 6/17/96 memorandum.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-97-64) INTRODUCED, TO BE ADOPTED APRIL 14, 1997

Introduction of an Ordinance amending Chapter III,
Article 1, Division 3, of the San Diego Municipal Code
by amending Section 31.0301 relating to Taxing
Provisions.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 10/9/96, PS&NS voted 3-0 to approve amending the Business Tax
Code as it relates to determining the number of employees a
business is taxed on. As proposed, the number of employees would
be determined by calculating an average of all employees over a
12 month period; excluding employees that work less than 10 hours
per week. (Councilmembers Stevens, McCarty and Vargas voted yea.
Councilmembers Wear and Kehoe not present.)

CITY MANAGER SUPPORTING INFORMATION:

The PS&NS Committee met on Wednesday, October 9th and voted
unanimously to change the definition of an employee for the
purpose of calculating the business tax to: "The average of all
employees over a twelve month period, excluding any employee
working less than 10 hours per week." The current Municipal Code
makes no distinction between full and part-time employees,
defining the number of persons employed as, "...the number of

persons appearing on the payroll of said business immediately prior to the license expiration date." Based on staff's findings, the proposed change would result in an approximate annual decrease in revenue of \$22,000.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-54:

SUBJECT: Request to Amend the S.D. Municipal Code Relating to Cardrooms.

(See City Manager Report CMR-96-246; and H. Wesley Pratt's letters dated 11/20/96 and 10/14/96.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-89) INTRODUCED, TO BE ADOPTED APRIL 14, 1997

Introduction of an Ordinance amending Chapter III, Article 3, Division 39, of the San Diego Municipal Code by changing Section 33.3917, relating to Charges Imposed by Cardrooms on Players for the Privilege of Playing in any Game.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 11/20/96, PS&NS voted 3-1 to approve the City Manager's recommendation to amend the Ordinance to allow an increase in rates of up to \$6. (Councilmembers Wear, Kehoe, and McCarty voted yea. Councilmember Vargas voted nay. Councilmember Stevens not present.)

CITY MANAGER SUPPORTING INFORMATION:

On November 20, 1996, the Public Safety and Neighborhood Services Committee heard a recommendation to amend Municipal Code Chapter III, Article 3, Sections 33.3911 and 33.3917 regulating Cardrooms

in the City of San Diego. The committee looked at three issues concerning the ordinance: 1) Allow card games that are legally permitted in California; 2) Increase hours of operation; and 3) Increase rates charged to customers for playing cards. The first consideration for change in the ordinance is to increase the number of games allowed in Cardrooms. (Section 33.3911.b) The current cardroom ordinance allows for the playing of High and Low Draw Poker without variation and Contract or Auction Bridge. These games were initially authorized because of the high degree of skill necessary to be successful when playing and the ability of investigating officers to monitor compliance.

There are two card games that the Cardroom owners would like to add to the ordinance -- Seven-card Stud and Hold'em. These two games are legal according to State law. Allowing these two additional games would place Cardrooms and officers responsible for monitoring these activities in a position of constant disagreement over the interpretation of enforcement of additional game rules. The second consideration for change in the ordinance is to increase the hours of operation of the Cardroom to have business hours on Sunday. The current ordinance allows Cardrooms to be open between the hours of 10:00 a.m to 12 midnight everyday except Sunday, when they are closed all day (Section 33.3911.g). This change would allow additional time for potential illegal activities to occur and would require additional monitoring of activities by police investigators. The last consideration for change in the Code is to increase the hourly rate. The current fee is \$4 per player per hour to participate in a game. (Section 33.3917) The Police Department does not oppose an increase in cardroom hourly fees. It is the City Manager's recommendation that the City Council amend Municipal Code Chapter III, Article 3, Section 33.3917 to change the rate Cardrooms may collect from a player for participating in any game from \$4 up to \$6 per hour. The PS&NS Committee took action to approve the City Manager's recommendation to amend the Ordinance to allow an increase in hourly rates of up to \$6.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Just-In-Time Office Supplies Contract - Award of

Contract to Corporate Express.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-197) ADOPTED AS RESOLUTION R-288459

Awarding a contract to Corporate Express for furnishing office supplies, as may be required for a period of one year beginning January 1, 1997 through December 31, 1997, with options to renew for four additional one year periods, for a total estimated cost of \$1,200,000, including tax and terms. (BID-Q6113/97)

FILE LOCATION: PURCHASE CONT FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Inviting Bids for Chollas Lake (Gloria Mesa) Park Erosion Control.

(Mid-City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-858) ADOPTED AS RESOLUTION R-288460

Inviting bids for Chollas Lake (Gloria Mesa) Park Erosion Control on Work Order No. 112578;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$38,600 from CDBG Fund No. 18531, Chollas Lake Community Park - Erosion Control, for providing funds for the project and related costs;

Authorizing the Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97080C)

CITY MANAGER SUPPORTING INFORMATION:

The Chollas Lake (Gloria Mesa) Park is located on the north side of College Grove Drive, southwest of Chollas Heights Reservoir. The park has been severely eroded due to the sparse nature of the native planting.

This project will provide an initial phase of modification to the existing drainage system of the park to repair and reduce erosion. Subsequent drainage and erosion control will be required when additional funds are made available.

Aud. Cert. 9700726.

FILE LOCATION: W.O. 112578 CONT - Fox Construction
CONFY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Flood Water Storage Easement Exchange - Brown Field Business Park.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-914) ADOPTED AS RESOLUTION R-288461

Approving the acceptance by the City Manager of the deed of MTF North American Properties III, conveying to the City a flood water storage easement in portions of Lot 8 of Brown Field Business Park Unit No. 1, Map-12279, and in portions of Parcel 1 and 4 of Parcel Map PM-16584;

Authorizing the execution of a quitclaim deed, quitclaiming to MTF North American Properties III, all the City's right, title and interest in a flood water storage easement, in portions of Lot 8, Brown Field Business Park Unit No. 1, Map-12279, and in portions of Parcel 1 and 4 of Parcel Map PM-16584.

FILE LOCATION: DEED F-6952 CONT FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Stadium Television Cable Fees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-941) ADOPTED AS RESOLUTION R-288462

Increasing the cable hook-up fees charged to television production trucks at the Stadium to \$800 per day for the first day and \$500 for each consecutive day.

CITY MANAGER SUPPORTING INFORMATION:

Currently, the Stadium charges companies televising an event a fee of \$400 for the first day and \$250 for each additional day to utilize camera cables and electric power. The existing cable system and power is often not sufficient to meet the needs of the television companies and they have to add more cables and provide temporary power at their own expense plus pay the Stadium's regular fees. As part of the Stadium expansion and renovation project, all new television cables and greater electrical power will be installed. This will satisfy all the needs of the companies and eliminate the costly installation of their own cables and power. Thus, the proposal to increase the fees to \$800 for the first day and \$500 for each additional day for the state-of-the-art cable and power facilities is justifiable. We have advised the television companies of the proposal to increase the fees and have received no opposition.

FILE LOCATION: MEET #61 - STADIUM

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: California Arts Council Multi-Residency Program Grant for Fiscal Year 1997.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-817) ADOPTED AS RESOLUTION R-288463

Accepting the grant funds from the California Arts Council Multi-Residency Program, by the City acting as a pass-through agency to support the Music Center's community-based music education program;

Designating the matching funds by the grant from the City's Neighborhood Arts Program Budget Fund 10220;

Authorizing the City Manager or his representative to administer the grant and matching funds.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Symphony Orchestra Community Music Center (Working Arts) provides a community based music education program to 60 fourth through sixth grade children from low income families residing in Sherman and Logan Heights. Students will have access to an after school music education program and musical instruments. Community members also have access to English as a second language classes, computer literacy, art appreciation and guitar lessons. Quarterly musical recitals provide performances by the children, a performance by professional guest artists and a presentation by a professional role model.

This program is part of the City of San Diego Commission for Arts and Culture's (Commission) Neighborhood Arts Program. The Commission is requesting acceptance of these grant funds from the

California Arts Council Multi-Residency Program for Fiscal Year 1997, and to authorize the City Manager and his representative to administer these funds.

Aud. Cert. 9700693.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Fiscal Year 1998 California Arts Council State/Local Partnership Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-923) ADOPTED AS RESOLUTION R-288464

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in the amount of \$30,000 for the Fiscal Year 1998 Arts and Cultural Program, to support programs and services of the Commission for Arts and Culture;

Authorizing the City Manager or his designee to administer any grant funds received;

Declaring that the one-to-one match funding required by the California Arts Council S/LPP funding will be provided through the Arts and Culture Program's Grant Matching Fund reserve.

CITY MANAGER SUPPORTING INFORMATION:

In 1980, the State Legislation established and funded the State/Local Partnership Program (S/LPP) under the California Arts Council (CAC) to "encourage local cultural planning and decision-making and to reach previously under served constituencies." The San Diego City Council, by Resolution No. R-252650, adopted on September 9, 1980, determined to act as a

S/LPP partner separate from the County of San Diego and designated the Combined Arts and Educational Council (COMBO) to perform under the S/LPP on its behalf from 1980-1983.

In 1984, the City Council changed this designation and identified itself as the local partner. An application for funding in the amount of \$30,000 will be submitted to the California Arts Council State/Local Partnership Program for the Fiscal Year 1998 Arts and Cultural Program to support the administration and programs and services of the Commission for Arts and Culture.

Aud. Cert. 9700774.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: National Park Service 1997 Challenge Cost - Share Grant Program.

(Mission Trails Regional Park Community Area.
District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-905) ADOPTED AS RESOLUTION R-288465

Authorizing the City Manager or his representative to apply to the National Park Service Challenge Cost Share Program for the Old Mission Dam Self-Guided Interpretive Walkway;

Authorizing the City Manager or his representative to take all necessary actions to secure funding;

Authorizing the City Manager or his representative to conduct all negotiations, and execute and submit all documents, including, but not limited to: applications, agreements, amendments and payment requests, which may

be necessary for completing the project;

Authorizing the City Manager or his representative to accept and expend funds if the grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant.

CITY MANAGER SUPPORTING INFORMATION:

The National Park Services Challenge Cost - Share Grant Program was created to increase the participation of locally based partners in the preservation and improvement of the cultural, natural and recreational resources. Only those projects related to National Register Programs and National Historic Landmarks are eligible. After review of the grant program criteria, the Park and Recreation staff proposes funding portions of the Old Mission Dam Self-Guided Interpretive Walkway. When this multi-phased project is complete, it will include paving of a major trail for disabled access, an overlook terrace at the base of the Dam, two newly constructed interpretive panels, benches and disabled accessible picnic benches. If the grant is approved, it will fund a portion of Phase III including: additional benches, disabled accessible picnic tables and the installation of two interpretive panels. The project is consistent with the Mission Trails Regional Park Master Plan and is supported by the Mission Trails Foundation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Approve the Transfer of Funds for the Reconstruction of Fire Station No. 11.

(Greater Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-939) ADOPTED AS RESOLUTION R-288466

Authorizing the transfer of \$58,578.12 from
CIP-33-078.0, Annual Allocation - Restroom Additions to
Fire Station, Fund No. 302453 to CIP-33-082.0,
Reconstruction of Fire Station No. 11.

CITY MANAGER SUPPORTING INFORMATION:

This project consists of the demolition of the existing Fire Station and the design and construction of a new Fire Station located at 945 25th Street. The new station will be located at the same site as the existing station, as well as on the adjacent property at 935 and 937 25th Street. The new facility will be approximately 6,500 square feet and has a construction budget that includes site work and demolition costs. The State of California's 1994 Budget Act made available \$45,478,621 to provide 114 local government grants from the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 for seismic improvements of Essential Services buildings. The Seismic Programs Section of the Office of the State Architect previously determined the San Diego Fire Department's project to be eligible for grant funding in the amount of \$571,809.

However, after the project commenced in April 1996, a further review performed by the State determined the project to be eligible for only \$513,056. This grant decrease of \$58,753 has left the project in need of additional CIP funding. The transferred funds will replace the shortage of grant funding, and they will be applied toward the completion of Fire Station 11.

Aud. Cert. 9700891.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Protected-Permissive Signal Upgrade.

(Centre City, Clairemont Mesa, Otay Mesa Nestor,

Pacific Beach, Mountain View, Rolando, Uptown, Carmel Mountain Ranch Community Areas. Districts-2, 3, 4, 5, 6, 7, 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-901) ADOPTED AS RESOLUTION R-288467

Authorizing the City Manager to accept on behalf of the City, the Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds for an amount of \$141,000 for the construction of the Protected-Permissive Signal Upgrade;

Amending the FY 1997 Capital Improvements Program by adding CIP-63-038.0, Protected-Permissive Signal Upgrade;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$124,827 of Federal Congestion Mitigation and Air Quality (CMAQ) Fund No. 38663, and an amount not to exceed \$16,173 of State Transportation System Management (TSM) Fund No. 38548, to CIP-63-038.0, contingent upon the receipt of a signed Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept and expend Congestion Mitigation and Air Quality (CMAQ) grant funds for the following project: Protected-Permissive Signal Upgrade - \$141,000. This project will install protected/permissive traffic signal phasing at 12 intersections throughout the City. The cost of this project is divided into \$42,000 for design and \$99,000 for construction and construction engineering. This action further authorizes the City Manager to amend the FY 1997 Capital Improvement Program by adding the following project: CIP-63-038.0, Protected-Permissive Signal Upgrade.

Aud. Cert. 9700780.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Transfer of CDBG Funds to be Used for the City Heights Town Council Code Liaison Project.

(District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-928) ADOPTED AS RESOLUTION R-288468

Authorizing the transfer of \$6,500 in Community Development Block Grant Funds from the University Avenue Project to the City Heights Town Council Code Liaison Project.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the Auditor and Comptroller to transfer CDBG Funds within Fund 18532. A total of \$6,500 will be transferred from the University Avenue Project (Department 4111) to the City Heights Town Council Code Liaison Project (Department 4118). The City Heights Town Council has been under contract to provide a volunteer code enforcement liaison in the City Heights community. The contract was funded with CDBG funds in Fiscal Year 1996. The contract is being amended to extend the time of performance to June 30, 1997 via City Manager Action (CM-1544). The contract amount will also be increased by \$6,500 from \$20,000 to \$26,500. The City Heights Town Council will provide matching funds of \$6,500 to provide the necessary total funds to complete the current fiscal year's project.

Aud. Cert. 9700826.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Centre City Information System.

(Centre City & Barrio Logan Community Areas.
Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-898) ADOPTED AS RESOLUTION R-288469

Authorizing the City Manager to accept the Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds for an amount of \$235,000 for the construction of the Centre City Information System;

Amending the FY 1997 Capital Improvements Program by adding CIP-63-039.0, Centre City Information System;

Authorizing the Auditor and Comptroller to transfer and expend an amount not to exceed \$208,046 of Federal Congestion Mitigation and Air Quality (CMAQ) Funds, Fund No. 38664, and an amount not to exceed \$26,954 of State Transportation System Management (TSM) Funds, Fund No. 38549, to CIP-63-039.0, contingent upon the receipt of a signed Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept and expend Congestion Mitigation and Air Quality (CMAQ) grant funds for the following project:

Centre City Information System - \$235,000

This project will install changeable message signs at five locations around Centre City to provide motorist information during special events. The cost of this project is divided into \$25,000 for design and \$210,000 for construction and construction engineering. The proposed locations of the signs are: North Harbor Drive, north of Ash Street (for southbound traffic), Front Street between Beech Street and Ash Street (southbound), Tenth Avenue between Ash Street and A Street (southbound), F Street between 15th Street and 14th Street (westbound), and Harbor Drive, south of Eighth Avenue (north/westbound). These locations are tentative and may change during design. This action further authorizes the City Manager to amend the FY 1997 Capital Improvement Program by adding the following project:

CIP-63-039.0 - Centre City Information System

Aud. Cert. 9700812.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Genesee Avenue Traffic Signal Interconnect.

(Clairemont Mesa and Linda Vista Community Areas.
Districts-5 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-910) ADOPTED AS RESOLUTION R-288470

Authorizing the City Manager to accept the Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds for an amount of \$446,000 for the construction of the Genesee Avenue Area Traffic Signal Interconnect System;

Amending the FY 1997 Capital Improvements Program by adding CIP-63-043.0, Genesee Avenue Traffic Signal

Interconnect;

Authorizing the Auditor and Comptroller to transfer and expend an amount not to exceed \$394,844 of Federal Congestion Mitigation and Air Quality (CMAQ) Funds, Fund No. 38666, and an amount not to exceed \$51,156 of State Transportation System Management (TSM) Funds, Fund No. 38551, to CIP-63-043.0, contingent upon the receipt of a signed Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept and expend Congestion Mitigation and Air Quality (CMAQ) grant funds for the following project:

Genesee Avenue Traffic Signal Interconnect - \$446,000
This project will interconnect traffic signals along Genesee Avenue from Clairemont Mesa Boulevard to Linda Vista Road, and connect those signals to the City's master control system. The cost of this project is divided into \$70,000 for design and \$376,000 for construction and construction engineering. This action further authorizes the City Manager to amend the FY 1997 Capital Improvement Program by adding the following project:

CIP-63-043.0 - Genesee Avenue Traffic Signal Interconnect

Aud. Cert. 9700782.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Morena Area Traffic Signal Interconnect.

(Linda Vista, Mission Bay Park Community Areas.
Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-911) ADOPTED AS RESOLUTION R-288471

Authorizing the City Manager to accept on behalf of the City, the Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds for an amount of \$437,000 for the construction of the Morena Area Traffic Signal Interconnect System;

Amending the FY 1997 Capital Improvements Program by adding CIP-63-042.0, Morena Area Traffic Signal Interconnect;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$386,876 of Federal Congestion Mitigation and Air Quality (CMAQ) Fund No. 38665, and an amount not to exceed \$50,124 of State Transportation System Management (TSM) Fund No. 38550, to CIP-63-042.0, contingent upon the receipt of a signed Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept and expend Congestion Mitigation and Air Quality (CMAQ) grant funds for the following project: Morena Area Traffic Signal Interconnect - \$437,000. This project will interconnect traffic signals in the area of Morena Boulevard, and connect those signals to the City's master control system. The cost of this project is divided into \$70,000 for design and \$367,000 for construction and construction engineering. This action further authorizes the City Manager to amend the FY 1997 Capital Improvement Program by adding the following project: CIP-63-042.0, Morena Area Traffic Signal Interconnect.

Aud. Cert. 9700781.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Park Boulevard Traffic Signal Interconnect.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-912) ADOPTED AS RESOLUTION R-288472

Authorizing the City Manager to accept the Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds for an amount of \$225,000 for the construction of the Park Boulevard Traffic Signal Interconnect System;

Amending the FY 1997 Capital Improvements Program by adding CIP-63-044.0, Park Boulevard Traffic Signal Interconnect;

Authorizing the Auditor and Comptroller to transfer and expend an amount not to exceed \$199,193 of Federal Congestion Mitigation and Air Quality (CMAQ) Funds, Fund No. 38667, and an amount not to exceed \$25,807 of State Transportation System Management (TSM) Funds, Fund No. 38552, to CIP-63-044.0, contingent upon the receipt of a signed Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept and expend

Congestion Mitigation and Air Quality (CMAQ) grant funds for the following project:

Park Boulevard Traffic Signal Interconnect - \$225,000

This project will interconnect traffic signals on Park Boulevard from Downtown to Morley Field Drive, and connect those signals to the City's master control system. The cost of this project is divided into \$35,500 for design and \$189,500 for construction and construction engineering. This action further authorizes the City Manager to amend the FY 1997 Capital Improvement Program by adding the following project:

CIP-63-044.0 - Park Boulevard Traffic Signal Interconnect

Aud. Cert. 9700783.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Skyline Drive Traffic Signal Interconnect.

(South Encanto & Skyline Community Areas.
Districts-3 & 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-900) ADOPTED AS RESOLUTION R-288473

Authorizing the City Manager to accept the Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds for an amount of \$214,000 for the construction of the Skyline Drive Traffic Signal Interconnect System;

Amending the FY 1997 Capital Improvements Program by adding CIP-63-046.0, Skyline Drive Traffic Signal Interconnect;

Authorizing the Auditor and Comptroller to transfer and expend an amount not to exceed \$189,454 of Federal Congestion Mitigation and Air Quality (CMAQ) Funds, Fund No. 38668, and an amount not to exceed \$24,546 of State Transportation System Management (TSM) Funds, Fund No. 38553, to CIP-63-046.0, contingent upon the receipt of a signed Program Supplement for Congestion Mitigation and Air Quality Funds, and Transportation System Management Funds;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept and expend Congestion Mitigation and Air Quality (CMAQ) grant funds for the following project:

Skyline Drive Traffic Signal Interconnect - \$214,000
This project will interconnect traffic signals on Skyline Drive from Valencia Park Way to Sychar Road, and connect those signals to the City's master control system. The cost of this project is divided into \$34,000 for design and \$180,000 for construction and construction engineering. This action further authorizes the City Manager to amend the FY 1997 Capital Improvement Program by adding the following project:

CIP-63-046.0 - Skyline Drive Traffic Signal Interconnect

Aud. Cert. 9700784.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: CONTINUED TO APRIL 14, 1997

SUBJECT: Transfer of \$70,000 to MTDB for Bus Stop ADA Improvements in the City.

(City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-913)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$70,000 from TransNet Fund No. 30300, CIP-52-521.0, Annual Allocation for Street Enhancements and Revitalization to MTDB for bus stop ADA improvements in the City.

CITY MANAGER SUPPORTING INFORMATION:

The Federal Americans with Disabilities Act (ADA) of 1990 requires barrier-free passenger boarding/deboarding areas at bus stops. In order to comply with this guideline, the Metropolitan Transit Development Board (MTDB) has requested the City's assistance to help finance the required upgrades at bus stops located within the City of San Diego. MTDB has money for bus stop upgrades that requires a 20 percent local match by the local jurisdiction. \$350,000 is available to MTDB to implement bus stop improvements within the City of San Diego. \$70,000 is needed from the City to cover the 20 percent local match. Approval of the \$70,000 (City's match) is needed so that \$280,000 in federal funds can be acquired, making a grand total of \$350,000 available for bus stop upgrades in the City of San Diego by MTDB.

The \$70,000 will be transferred from TransNet Fund No. 30300, CIP-52-521.0, Annual Allocation for Street Enhancements and Revitalization, to MTDB. This annual allocation provides for curb, gutter, and sidewalk improvements. Upgrading bus stops to ADA requirements consists of these improvements as part of revitalizing the City streets.

Aud. Cert. 9700790.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO CONTINUE THIS ITEM TO APRIL 14, 1997, AS REQUESTED BY COUNCIL MEMBER KEHOE TO GET NEW LIST OF BUS STOP IMPROVEMENTS FROM THE METROPOLITAN TRANSIT DISTRICT BOARD. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Two actions related to Hillcrest - Expanded 5th Avenue Sidewalk Project.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-933) ADOPTED AS RESOLUTION R-288474

Authorizing the City Manager to reprogram \$80,000 to the Hillcrest - Expanded 5th Avenue Sidewalk Project from the following Community Development Block Grant funded programs previously approved by City Council:

- 1) Hillcrest Sidewalk Fund - the amount of \$50,000 which was previously authorized by Resolution No. R-287238, dated April 23, 1996 (Fund 18532, Dept. 4111, Org. 1108, Job Order 000002);
- 2) Adams Avenue Business Association - the amount of \$30,000 which was previously authorized by Resolution No. R-287238, dated April 23, 1996 (Fund 18532, Dept. 4111, Org. 1101, Job Order 392050);

Authorizing the City Manager to reprogram a total of \$30,000 to maintain funding for Adams Avenue Business Association projects by transferring Gas Tax Funds from the Streets Division Sidewalk Fund, Fund 302191, Dept. 944, Org. 2451, Job Order 1000, to the Adams Avenue Urban Forestry Project, CIP-39-205.0, Fund 30244, Org. 106, Job Order 392051;

Authorizing the expenditure of the additional \$30,000 transferred to the Adams Avenue Urban Forestry Project CIP-39-205.0, for City administration, construction, engineering, and other project costs.

Subitem-B: (R-97-934) ADOPTED AS RESOLUTION R-288475

Authorizing a fourth amendment to the existing agreement with the Hillcrest Association, for the purpose of extending the term of the contract and

increasing the total project budget;

Authorizing the expenditure of not to exceed \$80,000
from Fund 18532, Dept. 4111, Org. 1130.

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the reprogramming of \$80,000 from the existing CDBG funded projects to the Hillcrest - Expanded 5th Avenue Sidewalk Project to allow for the complete sidewalk rehabilitation of the 3800 block of 5th Avenue and the reprogramming of \$30,000 of Gas Tax funds from Streets Division to Adams Avenue Urban Forestry Project to replace the CDBG funds transferred to Hillcrest.

The specific funds to be reprogrammed to the Hillcrest - Expanded 5th Avenue Sidewalk Project for Fiscal Year 1997 (Fund 18532) are from the following projects and will augment the \$38,100 previously authorized listed below:

Job Order	Amount	Fund	Dept	Org.
Hillcrest - 5th Ave Sidewalks 004109	\$38,100	18529	4041	4109
Hillcrest Sidewalk Fund 000001	50,000	18532	4111	1108
Adams Ave. Bus. Assoc. 000001	30,000	18532	4111	1101

The funds are to be reprogrammed to:

Hillcrest - Expanded 5th Avenue Sidewalk Project 000001	80,000	18532	4111	1131
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In addition the following Gas Tax Funds are to be transferred from:

Job Order	Amount	Fund	Dept	Org.
Streets Div.Sidewalk Fund 1000	\$30,000	302191	944	2451
	Object Account	4213		

to the following:

AABA - Urban Forestry Project

CIP-39-205.0 \$30,000 30244 30244 106
392051

Aud. Cert. 9700913.

FILE LOCATION: MEET CONT FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Amending the FY 1997 Capital Improvement Program Budget
- Canyonside Community Park Tennis Courts.

(Rancho Pe asquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-943) ADOPTED AS RESOLUTION R-288476

Authorizing the addition of CIP-29-441.0, Canyonside
Community Park Tennis Courts to the FY 1997 Capital
Improvement Program;

Authorizing the Auditor and Comptroller to transfer
\$194,116 from CIP-29-282.1, Hilltop Community Park
Development, Facilities Benefit Assessment Fund No.
79004, and \$131,164 from Penasquitos East Trust Fund
No. 10596 to CIP-29-441.0, Canyonside Community Park
Tennis Courts;

Authorizing the expenditure of not to exceed \$325,280
from CIP-29-441.0, Canyonside Community Park Tennis
Courts.

CITY MANAGER SUPPORTING INFORMATION:

The Rancho Penasquitos Recreation Council requested that the
tennis courts identified for Hilltop Community Park be
transferred to and consolidated with those existing at Canyonside
Community Park. This arrangement will optimize maintenance and

management of the tennis courts by the tennis club, and allow space at Hilltop Community Park for possible construction of a roller hockey facility.

Therefore, funds would be shifted from Hilltop Community Park and the Penasquitos East Trust, which holds \$108,000, plus \$23,164 in accrued interest given to the community to construct tennis courts through the Adobe Bluffs Neighborhood Park Reimbursement Agreement, to Canyonside Community Park for this purpose.

Aud. Cert. 9700903.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Settlement of the Property Damage Claim of J & W Redwood.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-942) ADOPTED AS RESOLUTION R-288477

A Resolution approved by the City Council in Closed Session on Tuesday, February 10, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$120,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim to J & W Redwood (Superior Court Case No. 699557, J & W Redwood v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$120,000 made payable to The Clerk of the Superior Court, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claim of J & W Redwood against the City of San Diego, its agents and employees, as a result of an incident which occurred on January 4, 1995.

Aud. Cert. 9700857.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Settlement of the El Cajon Boulevard: 37th to 39th Street Project Claim.

(Normal Heights/Mid-City Community Area.
District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-937) ADOPTED AS RESOLUTION R-288478

Authorizing the expenditure of not to exceed \$45,000 for the settlement of a claim by Wier Construction Company, Inc., on the El Cajon Boulevard: 37th to 39th Street Project (CIP-39-209.0), under the terms and conditions of Change Order No. 2, Work Order No. 392091;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

After completion of the project, the contractor, Wier Construction Company, Inc., submitted a claim in the amount of \$310,820.50, for billing disputes and delay costs with extended

field overhead and extended home office overhead. The claim was analyzed by the Field Engineering staff and a settlement was negotiated with the contractor.

The settlement agreement resulted in the City waiving all liquidated damages and agreeing to pay the amount of \$45,000, with the exception of Bid Item No. 13C (trenching for irrigation piping), which will be referred to mediation. The claim package is available upon request. This requested Council action would provide funds to settle the dispute and pay the contractor the lump sum of \$45,000.

Aud. Cert. 9700907.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-120: TRAILED TO TUESDAY, APRIL 1, 1997

SUBJECT: Second Amendment to the Agreement with BSI Consultants, Inc. for As-Needed Engineering Services 1994-1997.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-950)

Authorizing a second amendment to the agreement of September 19, 1994, with BSI Consultants, Inc., for as-needed engineering services;

Authorizing the expenditure of an amount not to exceed \$300,000 from Sewer Fund No. 41509.

CITY MANAGER SUPPORTING INFORMATION:

The original agreement between the City and BSI Consultants, Inc., for as-needed engineering services 1994-1997 was adopted September 19, 1994, via Resolution R-284644. The Agreement was issued for a \$500,000 not-to-exceed amount for a 36-month duration. Amendment No. 1 was adopted November 20, 1995

increasing the agreement value to \$1,000,000. Amendment No. 2 is requested to increase the not-to-exceed amount by \$300,000 to \$1,300,000 due to immediate and near-term engineering services needs required by MWWD, for the agreement duration, such as the following:

- Underwater Survey/Inspection for Sewer Force Main No. 2
- South Metro Interceptor Manhole Rehabilitation Project
- North Metro Interceptor Project - Road Repair/Resurfacing
- Metropolitan Operation Center - Redesign/Refurbishment

Staff is currently preparing a Request for Proposals to advertise for a follow-on As-Needed Engineering Contract.

MBE/WBE Utilization:

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, BSI Consultants, Inc. has retained the following subconsultants as members of their engineering consultant team in connection with this project:

Certified Subconsultants	Other Subconsultants
MBE - Beyaz & Patel	Ogden Environmental & Energy Services Company
MBE - CWP Geosciences	Sillman-Wyman, Inc.
MBE - HYA Consulting Eng.	
WBE - LSW Engineers & Inland Aerial Surveys, Inc.	

Due to the nature of the as-needed project, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

Additional contingency and related costs in the amount of \$200,000 for MOC Expansion Project are necessary to fund as-needed engineering services provided by BSI Consultants and in-house engineering support.

Aud. Cert. 9700855.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A583-630.)

Trailed to April 1, 1997 as requested by Council Member Warden, waiting for a better report.

* ITEM-121:

SUBJECT: Transfer of 0.10 Million Gallons per Day of Metro System Capacity from the City of National City to the City of Chula Vista.

(City of Chula Vista, City of National City, City of San Diego.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-951) ADOPTED AS RESOLUTION R-288479

Authorizing a seventh amendment to the Sewage Disposal Agreement of 1960 with the City of Chula Vista, authorizing the City of Chula Vista to acquire an additional 0.10 million gallons per day of sewer capacity from the City of National City;

Authorizing a third amendment to the Sewage Disposal Agreement of 1960 with the City of National City, authorizing the City of National City to transfer 0.10 million gallons per day of sewer capacity to the City of Chula Vista.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has sewage disposal agreements with both National City and Chula Vista. In Section 22 of the agreements it is stated that, "The Participating Agency may acquire additional capacity service from another Participating Agency or transfer capacity service to another Participating Agency...." and that, "No capacity service shall be increased or decreased...unless the City shall first determine that said change will not unbalance The Metropolitan Sewage System to the detriment of the City or other Participating Agencies..."

The City has determined that this transfer will not unbalance the system and approval of the transfer is recommended. The respective capacity service charges for the two Participating Agencies will be increased or decreased to correspond with the changed capacity service. On December 17, 1996, the City Council of the City of National City approved the sale of capacity to Chula Vista (Resolution No. 96-187) and on December 17, 1996, the City Council of Chula Vista approved the purchase of capacity

from National City (Resolution No. 18535).

FILE LOCATION: MEET CONT FY97-2

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Five-year Lease Agreement with Dolphinshire L.P. for the Police Department's Professional Standards Unit.

(Old Town Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-940) ADOPTED AS RESOLUTION R-288480

Authorizing a five-year lease agreement with Dolphinshire L.P. for the Police Department's Professional Standards Unit at 3990 Old Town Avenue, Suite 205 C, San Diego, of approximately 2,197 square feet at a monthly rent of \$2,197 or \$1.00 per square foot;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$6,591 from the General Fund for lease cost from April 1, 1997 to June 30, 1997.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department's Professional Standards Unit's lease agreement for the property, located at 720 Gateway Drive, has expired and the Department is proposing to move its office to a new location in Old Town.

The new office is more economical, has a more efficient administrative floor plan and its location provides easy freeway access.

A summary of the lease is as follows:

USE: Police Department's Professional Standards Unit
SIZE: 2,197 Square feet
TERM: Five-years
RENT: \$2,197 per month (\$1.00 square foot) Plus Utilities
Annual 4% rent escalations. The City is currently
paying \$1.09 per square foot for the 2,440 square foot
office.
COMMENCEMENT DATE: April 1, 1997

The rental rate is below-market for this area.

Aud. Cert. 9700871.

FILE LOCATION: LEAS-Dolphinshire L.P. LEAS FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Revision of Fund Allocation for the Agreement with EMA,
Inc., for Performing Consultant Services for Telemetry
Control System - SCADA - Phase I.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-882) ADOPTED AS RESOLUTION R-288481

Reducing prior authorization of \$124,398.47 from
CIP-46-168.0, Telemetry Contract Systems - SCADA;

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$124,398.47 from
CIP-73-083.0, Annual Allocation for Water Main
Replacement to CIP-73-308.0, Telemetry Control Systems
- SCADA;

Authorizing the expenditure of an amount not to exceed
\$124,398.47 from CIP-73-308.0, Telemetry Control
Systems - SCADA.

CITY MANAGER SUPPORTING INFORMATION:

The City Council authorized an agreement with EMA, Inc., on March 1, 1994 (R-283455), to provide engineering design services for Telemetry Control Systems - SCADA - Phase 1. The original scope of this project included both municipal water and sewer facilities. However, the Metropolitan Wastewater Department, Wastewater Collection Division (WWCD), has decided to incorporate the Clean Water Operation Management Network (COMNET) for the Sewer Pump Station facilities.

This will allow WWCD to proceed with the upgrade to ensure compliance with EPA mandated deadlines. Therefore, the remaining sewer funds under the EMA contract will be used for the COMNET implementation. Additional water funds are needed due to fixed costs associated with the Water Department's SCADA project.

WWF-97-268.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-124:

SUBJECT: Consultant Services Agreement for As-Needed Televising Services.

(City-Wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-949) ADOPTED AS RESOLUTION R-288482

Authorizing an agreement with Lee and Ro Consulting Engineers, Inc., for As-Needed televising consultant services for the Metropolitan Wastewater Department;

Authorizing the expenditure of not to exceed \$200,000 from Sewer Fund No. 41506.

CITY MANAGER SUPPORTING INFORMATION:

This contract will assist the Wastewater Collection Division to televise all new sewer mains built by private developers. A list of As-Needed Televising Services Consultants was received from the Consultant Selection Coordinator on May 15, 1996. The Consultant Nominating Committee nominated five firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on July 16, 1996, and the firm of Lee and Ro Consulting Engineers, Inc., was selected as the best qualified firm to provide the As-Needed Televising Consultant Services. The Sub-consultant on the project is National Plant Services. The agreement provides for televising services by task orders on the hourly basis not to exceed \$25,000 per task. The total contract shall not exceed \$200,000 for a period of two years from the date of execution by the City.

Aud. Cert. 9700879.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: B368-373.)

MOTION BY STALLINGS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-125:

SUBJECT: Concrete Sewer Television Inspection Consultant Services.

(City-Wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-957) ADOPTED AS RESOLUTION R-288483

Authorizing an agreement with Lee and Ro Consulting Engineers, Inc., for concrete sewer televising consultant services for the Metropolitan Wastewater Department;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$624,000 within Fund

No. 41506, from CIP-44-001.0, Annual Allocation - Sewer Main Replacements, to Program 773810;

Authorizing the expenditure of not to exceed \$624,000 from Sewer Fund No. 41506, Program 773810.

CITY MANAGER SUPPORTING INFORMATION:

This contract will assist the Wastewater Collection Division to televise and prepare a complete comprehensive evaluation and criticality ranking of all concrete sewer mains in the City of San Diego. This action is taken pursuant to the City's agreement with the United States Environmental Protection Agency (EPA) to resolve all remaining claims against the City for violations of the Clean Water Act. The stipulated final order requires the City to submit to EPA a complete plan and schedule for the replacement/rehabilitation of all remaining concrete mains by March 30, 1998. A list of the As-Needed Televising Services Consultants was received from the Consultant Selection Coordinator on September 30, 1996.

The Consultant Nominating Committee nominated seven firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on November 7, 1996, and the firm of Lee and Ro Consulting Engineers, Inc. was selected as the best qualified firm to provide the assessment of approximately 660,000 lineal feet of concrete pipe ranging primarily in size from 6-inch to 12-inch utilizing TV camera. The Subconsultant on the project is National Plant Services. The total contract shall not exceed \$624,000 for a one year period ending December 31, 1997.

Aud. Cert. 9700912.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: B368-373.)

MOTION BY STALLINGS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-126:

SUBJECT: Agreement with Helix Environmental Planning, Inc. for Professional Services for Mission Beach Boardwalk Widening EIR/EA.

(Mission and Pacific Beach Community Areas.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-920) ADOPTED AS RESOLUTION R-288484

Authorizing an agreement with Helix Environmental Planning, Inc. (San Diego), for professional services required for the Mission Beach Boardwalk EIR/EA Scope;

Authorizing the expenditure of \$267,000 from CIP-52-533.0, Mission Beach Boardwalk Widening, TransNet Fund No. 30300, for the purpose of completing the EIR/EA Scope.

CITY MANAGER SUPPORTING INFORMATION:

Today's action is to hire a consultant to prepare an EIR/EA for the Mission Beach Boardwalk Widening concept plan which was adopted by City Council. The document will address widening the boardwalk 12 feet to the east with a 9-foot concrete path and 3-foot landscaped buffer, as well as project alternatives. The consultant was selected in accordance with Council Policy 300-7. The City's Nominating Consultant Selection Committee established a certified Environmental "As Needed" list. Six firms were certified and interviews were held on January 14, 1997 by representatives of the City's Environmental Analysis Section, Engineering and Capital Projects Department, and CalTrans. The selected firm, Helix Environmental Planning, Inc., was approved by the City Manager on January 22, 1997. The sub-consultants participation represents 12.5 percent MBE and 3.1 percent WBE.

Aud. Cert. 9700866.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: B374-607.)

MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-not present.

* ITEM-127:

SUBJECT: Change Order No. 2 with C.E. Wylie Construction Company
for the Penasquitos Trunk Sewer Relief - Pump Station.

(Mira Mesa and Miramar Ranch North Community Areas.
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-945) ADOPTED AS RESOLUTION R-288485

Approving Change Order No. 2, with C.E. Wylie
Construction Company, increasing the contract price by
\$298,224;

Authorizing the expenditure of not to exceed \$298,224
from Sewer Fund No. 41506, CIP-46-120.0, Penasquitos
Trunk Sewer Relief, to provide additional funds for
this change order, construction, contingencies, and
related costs, provided that the City Auditor first
furnishes one or more certificates demonstrating that
funds necessary for expenditure are, or will be, on
deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Penasquitos Trunk Sewer Relief - Pump Station construction
contract was awarded by the City Council per Resolution No.
R-286640 dated November 27, 1995. The notice to proceed was
issued to the successful low bidder, C.E. Wylie, on May 22, 1996.
A portion of the sewer force main in the construction contract is
located within a 570-foot tunnel to be excavated underneath the
I-15 freeway between Mercy Road and Poway Road. The geotechnical
report upon which the original tunnel design was based showed
fill soils near the east end of the proposed tunnel.

Access to perform an exploratory soil boring at the midpoint of
the tunnel was not feasible due to significant impacts to freeway
traffic. Performing an exploratory boring at the west end of the
tunnel was not possible given the close proximity to vital City
utilities directly adjacent to the freeway. When the
construction contractor began excavation for the tunnel on the
west side of I-15, solid rock was encountered. In order to
tunnel through the rock, the contractor will need to change the
cutting head on the tunnel boring machine to be able to tunnel

through solid rock as opposed to fill soils. To make the modification, a change order with a not-to-exceed amount of \$298,224 needs to be executed.

Aud. Cert. 9700877.

FILE LOCATION: CONT-C.E. Wylie Construction Company
CONT FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-128:

SUBJECT: Six actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-871) ADOPTED AS RESOLUTION R-288486

Brian Blagg - Police/Central - \$100.
Jerome Lerud - Fire - \$90.

Subitem-B: (R-97-872) ADOPTED AS RESOLUTION R-288487

Eric B. Jimerson, Gus Smith, Louis Gaona, Richard Burgett, Kenny Barraclough, Larry Schweihs, Duane Schaper, Duane Hewlett, Henry Palechek, and Harold Miller - Water Utilities - \$5,000.

Subitem-C: (R-97-873) ADOPTED AS RESOLUTION R-288488

Ross Bessom - Fire - \$280.
Ron Frasca - Fire - \$25.

Subitem-D: (R-97-874) ADOPTED AS RESOLUTION R-288489

Wayne Cross - Fire - \$351.50
Ron Frasca - Fire - \$45.

Subitem-E: (R-97-875) ADOPTED AS RESOLUTION R-288490

Joseph Preciado - Fire - \$100.

Thomas Bauwens - Facilities Maintenance - \$50.

Subitem-F: (R-97-876) ADOPTED AS RESOLUTION R-288491

Julie Salinas & Gerardo Quintana-Roo - Treasurer's -
\$826.20

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-129:

SUBJECT: Quarterly Council Meeting in the Community.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-976) ADOPTED AS RESOLUTION R-288492

Declaring that the quarterly night Council meeting is
scheduled for 3:30 p.m. on Monday, April 7, 1997, at
Mission Trails Regional Park, located at 1 Father Serra
Trail, San Diego;

Directing the City Clerk to post and publish, as
necessary, the notice of the meeting with the date,
time and location, and make the necessary preparations
and arrangements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B608-673.)

MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-130:

SUBJECT: San Dieguito Lagoon Restoration Project.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-963) ADOPTED AS AMENDED AS RESOLUTION
R-288493

Expressing support for a 150-acre lagoon restoration project at the San Dieguito Lagoon.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION, WITH AN AMENDMENT BY COUNCIL MEMBER WEAR TO ADD THAT IF FOR ANY REASON THE MITIGATION PROJECT IN SAN DIEGUITO IS FINALLY DETERMINED BY THE COASTAL COMMISSION NOT TO BE FEASIBLE, THAT ANY NEW PLAN BE REFERRED TO THE COMMITTEE ON NATURAL RESOURCES AND CULTURE FOR ITS REVIEW AND RECOMMENDATIONS, AND THAT ANY RECOMMENDATIONS OUT OF THAT COMMITTEE BE REVIEWED AND VOTED ON BY THE FULL COUNCIL. ALSO WITH AMENDMENTS BY MAYOR GOLDING TO:

ADD THE WORD "ACQUISITION" TO THE RESOLUTION TITLE SO IT WILL READ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO EXPRESSING ITS SUPPORT FOR THE 150-ACRE LAGOON RESTORATION/ACQUISITION PROJECT AT THE SAN DIEGUITO LAGOON";

CLARIFY THE LANGUAGE IN THE BACKUP PROJECT DESCRIPTION AND HISTORY TO NOTE THAT THE COASTAL COMMISSION ACTION OF 1991 WAS TO SET CONDITIONS REQUIRED FOR MITIGATION, AND THE 1992 ACTION WAS THE SELECTION OF THE SAN DIEGUITO SITE AS THE PREFERRED SITE FOR THE RESTORATION AND CREATION OF THE WETLANDS;

STRIKE THE RESOLUTION PARAGRAPH 1 TO AVOID CONFUSION ON THE HISTORY OF THE PROCESS.

Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: TRAILED TO TUESDAY, APRIL 1, 1997

SUBJECT: Two actions related to San Diego Jack Murphy Stadium
Expansion.

(Mission Valley Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were re-introduced on
3/18/97:

Subitem-A: (O-97-92 Rev.)

Authorizing the agreement conveying naming rights to
San Diego Jack Murphy Stadium between QUALCOMM, Inc.
and the City of San Diego.

(Council voted 7-0. Councilmember McCarty ineligible.
Councilmember Stevens not present.)

Subitem-B: (O-97-93 Rev.)

Authorizing a First Supplement to the 1995 Agreement
for Partial Use and Occupancy of San Diego Jack Murphy
Stadium between the Chargers Football Company and the
City of San Diego.

(Council voted 8-0. Councilmember Stevens not
present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A504-518)

Trailed to Tuesday, April 1, 1997 as requested by Mayor
Golding because the documents are not completed. The
documents may not be completed by Tuesday and, if they are
not, no action will be taken until they have been completed.

ITEM-201:

SUBJECT: Vacating Eta Street east of 39th Street, an adjacent
alley, portions of Eta Street and Birch Street and
a public utility easement.

(Shelltown Neighborhood, Southeast San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-903) ADOPTED AS RESOLUTION R-288494

Resolution summarily vacating Eta Street east of 39th Street, the adjacent alley, portions of Eta Street and Birch Street and a public utility easement;

Declaring that this resolution shall not become effective unless and until the conditions specified are met within one year, or this resolution shall become void and be of no further force or effect;

Directing the City Engineer to advise the City Clerk of the approval of the aforementioned conditions.

CITY MANAGER SUPPORTING INFORMATION:

The vacations of Eta Street east of 39th Street, an adjacent alley, portions of Eta Street and Birch Street and a public utility easement have been requested by the San Diego Unified School District to accommodate an expansion of the existing Balboa Elementary School. The total area proposed for vacation is .58 acres. The properties adjacent to the proposed vacations are owned by the San Diego Unified School District. The project is located in the MF-3000 zone. All of the existing public utilities in the areas proposed for vacation have been removed. On November 13, 1995, the Southeast San Diego Development Committee voted unanimously to support the vacations. Community Planning has stated that the proposed vacations are consistent with the Southeast San Diego Community Plan and the Neighborhood Element for Shelltown (page 249).

Staff review of the vacations indicates that the required four findings of vacation can be made and recommends that the rights-of-way be summarily vacated conditioned upon the filing of a consolidation parcel map, which will eliminate any land-locked parcels created by the vacation.

FINDINGS:

1. There is no present or prospective use for the streets or the easement, either for the public street system for which the rights-of-way were originally acquired or for any other public use of like nature.

2. The public will benefit from the vacations through improved utilization of the land.
3. The vacations are consistent with the approved Community Plan.
4. The public street system for which the right-of way was originally acquired will not be detrimentally affected by these vacations.

FILE LOCATION: STRT J-2863 DEED FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Inviting Bids for Construction of the Point Loma Wastewater Treatment Plant Central Boiler Facility and Gallery Upgrades.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-948) ADOPTED AS RESOLUTION R-288495

Inviting bids for the construction of the Point Loma Wastewater Treatment Plant Central Boiler Facility and Gallery Upgrades on Work Order No. 192682;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$8,600,000, consisting of \$8,205,000 from Sewer Fund 41509, CIP-46-170.0, Point Loma - Digester Facility Upgrade and Expansion, for this project's construction and related costs; and \$395,000 from Fund 41509,

CIP-46-502.0, Annual Allocation - Metropolitan Sewer Pooled Contingencies, for this project's contingency, provided that the City Auditor first furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97113)

CITY MANAGER SUPPORTING INFORMATION:

This project is the second of four construction packages of the Point Loma Digester Upgrade and Expansion Project. This package will construct a new central boiler facility (CBF) and rehabilitate and expand sludge piping in the existing pipe gallery. The new CBF will supply heat, through four new boilers, to the new and rehabilitated digesters. The facility will work in conjunction with the newly upgraded Gas Utilization Facility to supply heat, as needed, to the digesters. New larger pipes will replace the existing original pipes in the pipe gallery. With completion of the gallery and CBF, the sludge heating system and sludge piping system will be completely replaced. This will allow for more efficient sludge digestion heating and aid in bringing the Point Loma Plant into compliance with the Federal guidelines for beneficial reuse of the biosolids. Future projects of the Digester Upgrade and Expansion Project yet to be advertised for construction include rehabilitation of Digesters C1, C2, S1 and S2.

FILE LOCATION: W.O. 192682 CONT - Nielsen Dillingham
Builders CONT FY97-1
COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Three actions related to Inviting Bids for Construction of Sewer and Water Group Job 618.

(Uptown and Mountain View Community Areas. Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-855) ADOPTED AS RESOLUTION R-288496

Inviting bids for the Construction of Sewer and Water Group Job 618 on Work Order Nos. 172301/181941;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$1,225,396 from Sewer Revenue Fund 41506, Sewer Construction Outlay 70492, CIP-44-001.0, and \$121,667 from Water Revenue Fund 41500, Water Construction Outlay 70592, CIP-73-083.0, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97076C)

Subitem-B: (R-97-856) ADOPTED AS RESOLUTION R-288497

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program LDR-95-0229, in connection with construction of Sewer and Water Group Job 618, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines; that the declaration reflects the independent judgement of the City as Lead Agency; that the declaration has been reviewed and considered by Council; adopting the Mitigation, Monitoring and Reporting Program.

Subitem-C: (R-97-857) ADOPTED AS RESOLUTION R-288498

Authorizing the use of City Forces to make connections and perform operational checks involving Construction of Sewer and Water Group Job 618; declaring that the cost of the work shall not exceed \$15,243 from Water Revenue Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Replacement Group 618 is located in the Uptown Community Area. This project is a portion of the continuing annual Capital Improvement Program to replace or rehabilitate old deteriorated concrete sewer and cast iron water mains within the City of San Diego. The sewer and water mains proposed to be replaced or rehabilitated were installed in 1927. This project will construct 482 feet of new 8-inch water main and rehabilitate 6,021 feet of 6-inch and 8-inch sewer mains utilizing trenchless technology. The use of trenchless technology will reduce impacts to both natural open space and the community. The following streets will be affected in the Mission Hills area by the construction activities: Arbor Drive, Valley Vista Street, Hermosa Way, Teralta Place and Plumosa Way. Residents will be notified by mail at least one month before construction by the City of San Diego and ten days before construction by the contractor. This project will also rehabilitate 384 linear feet of 6-inch sewer main within a residential section of Mountain View Neighborhood of San Diego between 39th Street and Ada Street.

WWF-CSD-97-267.

FILE LOCATION: W.O. 172301/181941 CONT - U-Liner West
CONFY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Water Repurification Project - Repurified Water
Conveyance System/Boyle Engineering Corporation.

(University, Mira Mesa, Kearny Mesa, NAS Miramar, East Elliott, Tierrasanta, Mission Trails Regional Park Community Areas. Districts-5 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-946) ADOPTED AS RESOLUTION R-288499

Authorizing a no-cost first amendment to the agreement of December 9, 1996, with Boyle Engineering Corporation for design services in connection with the Water Repurification Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,502,634 within Fund No. 41500, from CIP-73-251.0, Carmel Mountain Road Pipeline, to CIP-70-936.0, Water Repurification Project;

Authorizing the expenditure of an amount not to exceed \$1,502,634 from Fund No. 41500, CIP-70-936.0, Water Repurification Project, to provide funds for Phase 2 of this project.

CITY MANAGER SUPPORTING INFORMATION:

City Council Resolution R-288182 adopted on December 9, 1996, authorized the City Manager to execute an agreement with Boyle Engineering Corporation for design services for the Repurified Water Conveyance System. In addition, the City Council directed the City Manager to perform only those design services which are absolutely necessary to permit completion of the environmental review of the project. Phase 2 funding is required at this time to complete the design work necessary for the environmental review of the project. The no cost amendment No. 1 reflects the revised contract phase funding as follows:

Funding Phases	Approved Phase Funding	Proposed Phase Funding
FY 97 1	\$500,000	\$ 500,000
FY 97 2		\$1,502,634
FY 98 3		\$1,000,000
FY 99 4		\$2,749,791
FY 00 5		\$ 267,521
Total Contract	\$6,019,946	\$6,019,946

The request is for issuance of an Auditor's Certificate for the purpose of funding phase 2 of this contract, for the amount of \$1,502,634.

Aud. Cert. 9700830.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: B149-309.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-205:

SUBJECT: Water Repurification Project - Advanced Water Treatment Plant/Malcolm Pirnie, Inc.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-947) ADOPTED AS RESOLUTION R-288500

Authorizing a no-cost first amendment to the agreement of August 5, 1996 with Malcolm Pirnie, Inc., for design services in connection with the Water Repurification Project;

Authorizing the transfer of an amount not to exceed \$407,110 within Fund No. 41500, from CIP-73-251.0, Carmel Mountain Road Pipeline, to CIP-70-936.0, Water Repurification Project and to transfer an amount not to exceed \$808,389 within Fund No. 41500, from Program Element 76222, Object Account 4226, to CIP-70-936.0, Water Repurification Project;

Authorizing the expenditure of an amount not to exceed \$1,215,499 from Fund No. 41500, CIP-70-936.0, Water Repurification Project.

CITY MANAGER SUPPORTING INFORMATION:

City Council Resolution R-287753 adopted on August 5, 1996, authorized the City Manager to execute an agreement with Malcolm Pirnie, Inc., for design services for the Water Repurification Project-Advanced Water Treatment Plant (AWTP), and authorized the expenditure of \$500,000 for the first phase of this agreement. On December 9, 1996, the City Council directed the City Manager to perform only those design services which are absolutely necessary to permit completion of the environmental review of the project. Phase 2 funding is required at this time to complete

the design work necessary for the environmental review of the project. The No Cost Amendment No. 1 reflects the revised contract phase funding as follows:

Funding Phases	Approved Phase Funding	Proposed Phase Funding
FY 97 1	\$500,000	\$ 500,000
FY 97 2		\$1,215,499
FY 98 3		\$1,000,000
FY 99 4		\$4,871,501
FY 00 5		\$ 652,000
Total Contract	\$8,239,000	\$8,239,000

This request is for the issuance of an Auditor's Certificate for the purpose of funding phase 2 of this contract, for the amount of \$1,215,499.

Aud. Cert. 9700831.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: B149-309.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-206:

SUBJECT: Ninth Amendment to the Agreement with Westinghouse Electric Corporation for the Wastewater Operations Management Network (COMNET).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-952) ADOPTED AS RESOLUTION R-288501

Authorizing a ninth amendment to the agreement with Westinghouse Electric Corporation for the Wastewater Operations Management Network (COMNET) in an amount not to exceed \$1,517,629;

Authorizing the Auditor and Comptroller to transfer not

to exceed \$1,754,124 within Fund No. 41509, from CIP-42-910.1, North City Water Reclamation Plant, to CIP-45-920.0, Wastewater Operations Management Network (COMNET);

Authorizing the expenditure of not to exceed \$494,000 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network, to provide funds for the JOC Fiber Optic Project;

Authorizing the expenditure of not to exceed \$1,517,629 as follows:

\$1,260,124 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET);

\$129,003 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant;

\$568,476 from Fund No. 41508, CIP-46-170.0, Point Loma Digester Upgrade & Expansion;

\$397,347 from Fund No. 41506, CIP-46-188.0, Pump Station 64 HPO Injection; and

Modifying the funding sources for this project by deleting \$837,321 from Fund No. 41509, CIP-42-911.4, Metro Biosolids Center;

Authorizing the City Manager to revise contract funding phases with Westinghouse Electric Corporation for this project, based on the actual low base bid and negotiated amendments, in the manner set forth in the Request for Council Action, Item 11.8, provided that the City Auditor first furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution R-284490, adopted on August 8, 1994, authorized the City Manager to execute a contract with Westinghouse Electric Corporation, the lowest responsible bidder, for implementation of the Wastewater Operations Management Network (COMNET) CIP-45-920.0. Council Resolutions R-286786, R-286787, R-287199, R-287200, R-287694, R-287841, and R-287973 authorized the City Manager to amend Westinghouse's contract and phase funding in Amendments 2,3,4,5,6,7 and 8. Council Resolution R-287973, Amendment No. 8, authorized implementation

of computer and instrument hardware, a fiber optic backbone network needed to monitor and control physical treatment processes at the Point Loma Wastewater Treatment Plant (PLWTP). It is requested that the City Council approve the revised phase funding schedule for this contract, which includes the following additional scope of work:

Additional Work for CIP-45-920.0 - COMNET \$1,260,124 (\$126,250 fixed cost and \$1,133,874 additional services):

Provide 1,000 additional work hours to be authorized by work order for specific design and engineering work (\$126,250). The additional services amount of \$1,133,874 will be utilized primarily for the following time critical projects: \$349,931 for Process Control Training Simulation change; \$127,847 for additional instruments at MBC; \$196,708 for conformance of the MBC specifications; \$33,870 for conformance of the North City Sludge P.S.; \$46,839 for conformance of the FIRP P.S.; \$181,729 for trimming the Process Control Module cables at NCWRP; \$180,160 to provide and install software for controlling the valves along the FIRP Phase II Pipeline; and \$16,790 for other anticipated work.

Addition and Deletion of Work for CIP-42-911.4 - Metro Biosolids Center (MBC) - Reduction of \$837,321:

Install one additional workstation to facilitate plant testing (loop checks) at the Energy Building and a 14-strand fiber optic cable to help expedite plant testing (loop checks) and operate the plant from the Control Building in July 1997, instead of waiting until November 1997 for the Digester Area to be completed (\$52,571); Deletion of Scope Work as the result of implementing value engineering recommendations, which redesigned Closed Circuit Television (CCTV), Page Party System, Card Access System, Heating, Venting and Air Conditioning (HVAC), and Energy Management System (\$-889,892).

Addition of Work for CIP-42-910.1 - North City Water Reclamation Plant (NCWRP) \$129,003:

Modify in/out of service software programming, so that equipment 5 horse power and greater, can be monitored by the Distributed Control System (DCS). This modification will enable the Maintenance Management System (MMS) to keep track of what is in service and what is out of service. A safety feature of this additional work, is that the DCS will not be able to start up equipment that is being serviced (\$129,003).

Addition of Work for CIP-46-170.0 - Point Loma Digester Upgrade and Expansion \$568,476:

Provide and install an enhanced automation software and hardware package for existing and new facilities at PLWTP for \$971,476. A task authorization for \$403,000 has been issued to Westinghouse to begin work on the software for monitoring and control of the existing physical processes at the PLWTP. The remainder of the cost for software and hardware is (\$568,476).

Addition of Work for CIP-46-188.0 - Pump Station 64 HPO Injection \$397,347:

Provide and install a Distributed Control System (DCS), for P.S. 64 (\$397,347). This upgrade will allow for monitoring and control of the pump station and will link it to the Communications and Operations Management Center at the Metro Operations Center.

This request is for the issuance of an Auditor's Certificate for the purpose of funding additional work of \$1,517,629 for the contract with Westinghouse Electric Corporation.

Aud. Certs. 9700861/9700230.

FILE LOCATION: MEET CONT FY97-1

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207:

(Continued from the meeting of March 17, 1997, Item 117, at the request of Councilmembers Wear and Warden, to allow time to ask staff questions about the program.)

SUBJECT: City of San Diego Ultra-Low Flush Toilet Rebate Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-921) ADOPTED AS RESOLUTION R-288502

Directing the City Manager to continue the Ultra-Low Flush Toilet Rebate Program, as implemented by Council in its Urban Water Management and Conservation Plan adopted on December 11, 1990;

Authorizing the City Manager to execute an amendment to the Memorandum of Understanding of April 22, 1996 with the San Diego County Water Authority, to receive \$2,305,000 from the County Water Authority and the Metropolitan Water District of Southern California, to be used to pay for more than one-half of program costs for approximately 36,722 ultra-low flush toilet rebates;

Authorizing a fourth amendment to the agreement with Volt Viewtech, Inc., for consultant services in connection with the day-to-day operation of the rebate program in an amount not to exceed \$2,305,000;

Authorizing the Auditor and Comptroller to increase the annual appropriation in Water Operating Fund No. 41500, Program 70622, by the amount of \$2,305,000 for the City's Ultra-Low Flush Toilet Rebate Program, in accordance with the 1997 Annual Appropriation Ordinance;

Authorizing the expenditure of not to exceed \$3,305,000 from Water Operating Fund No. 41500, Water Conservation Program, Object Account 9544, for the purpose of operating the Ultra-Low Flush Toilet Rebate Program in Fiscal Year 1997-98.

CITY MANAGER SUPPORTING INFORMATION:

This action requests the continuation of the City of San Diego's Ultra-Low Flush Toilet Rebate Program (Rebate Program) for Fiscal Year 1997 by amending the Memorandum of Understanding of April 22, 1996, with the San Diego County Water Authority (CWA) to provide additional funds from the CWA for approximately 36,722 ultra-low flush toilet (ulft's) rebates. This action also authorizes the City Manager to amend an agreement with the consulting firm of Volt Viewtech, Inc., for services associated with the day-to-day operation of the Rebate Program including processing rebates. This popular water conservation program provides City water customers with a rebate of up to \$75 for each installed ulft. Between May of 1991 and December of 1996, more than 130,000 rebates were issued to City water customers. Forty percent of the program's total funding has come from the MWD, 47 percent from the City and 13 percent from the CWA. In FY 97, co-funding is available from the CWA and MWD for approximately 70

percent of total Rebate Program costs. This action will allow the City to use the available co-funding to increase the number of rebates available to City residents from 10,000 to 36,722. The estimated water savings for the 36,722 ulft's is more than 1.3 million gallons per day, or 1,500 acre-feet-per year. The City's cost to implement this program is \$33 per acre-foot saved, compared to the \$426 per-acre foot the City currently pays for raw water.

Aud. Cert. 9700860.

FILE LOCATION: MEET CONT FY97-1, CCONT FY97-1

COUNCIL ACTION: (Tape location: B310-367.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH THE CONDITION THAT THE CONSULTANT SELECTION WILL COME BEFORE COUNCIL BY AUGUST 1997, AS REQUESTED BY DEPUTY MAYOR WARDEN. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-208:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-953) ADOPTED AS RESOLUTION R-288503

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A490-B148.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 3:50 p.m. in honor of the memory of John Konyn, Sr. and Russell Hollenberg, as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C034-049).